IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.2030-M of 2006

DATE OF DECISION: NOVEMBER 30, 2006

Sajjan Singh

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. P.S.Hundal, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.
Mr.K.S.Boparai, Advocate,
for respondent No.2.

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The petitioner has filed this petition under Section 482 Cr.P.C. for quashing FIR No.109 dated 19.6.2004 registered under Sections 420/120-B IPC at Police Station, Model Town, Ludhiana.

Separate replies filed on behalf of respondent No.1 and respondent No.2 are taken on record.

I have heard the counsel for the parties and gone through the contents of the FIR.

In the FIR, there are specific allegations that an amount of Rs.20,000/- was paid to the petitioner and his co-accused, i.e., son of the petitioner. That was the first installment for sending the complainants abroad. The second installment of Rs.1,30,000/- was alleged to have been paid on 3.10.2002. As per the allegations in the FIR, the said amount was also paid to the petitioner and his co-accused. After investigation, the police

submitted the challan finding the allegations to be correct.

Counsel for the petitioner contends that subsequently a receipt was issued by the son of the petitioner for re-payment of the amount and a cheque was also issued. Therefore, no offence under Sections 420/120-B IPC has been made out against the petitioner.

I do not find any substance in the aforesaid contention raised by the counsel for the petitioner. In the FIR, there are specific allegations against the petitioner, which prima-facie, disclose the alleged offence. Merely because subsequently the cheque was issued by one of the accused, it cannot be taken that the petitioner was not involved in the alleged offence. As per the allegations in the FIR, the petitioner along with his co-accused has cheated many persons on the pretext of sending them abroad. The petitioner is father of the other accused and in the FIR, it has been alleged that both the accused had taken the alleged amount. In view of these facts, I do not find any ground to quash the impugned FIR.

Dismissed.

November 30, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE